

1 direct case when it comes to written testimony.

2 And in addition, I don't know if Your Honor is
3 aware of, but yesterday in terms of the filing for witness
4 notification for cross examination, Mr. Havens and his
5 company's counsel filed a list of 29 additional individuals.
6 Some of whom are vague and not even named. They're referred
7 to as a state representative from the State of New Jersey.
8 Who it appears they want to be participating in this hearing
9 on Issue (g), but they haven't identified whether it's part
10 of their direct case, whether they're asking the Judge to
11 impose it as part of the Bureau's direct case, whether they
12 intend to cross examine these people, or frankly, what any of
13 these people have anything to do with Issue (g).

14 So, we would ask that Your Honor direct them to
15 either remove that list as frivolous and, you know, untimely
16 and highly irregular or that they be asked to identify the
17 relevance of each of those witnesses and what those witnesses
18 are intending to testify about.

19 JUDGE SIPPEL: Well, yes, I mean there certainly
20 should be a statement of relevance. I didn't realize it was
21 that extensive. It extended that much to that extent.

22 I'm not going to get into it now because, you know,
23 to go down witness by witness that's just going to take too
24 much time burden here.

25 But, we have to get that resolved and that's why

1 I'm thinking we should probably have, in the not too distant
2 future, another conference that will handle the evidentiary
3 matters to the extent that we can.

4 MR. STENGER: Well, Your Honor, on the calendar,
5 October 14th is the day for objections to the witness list.
6 So, if the Bureau wants to make an objection to my witness
7 list, that's already on the calendar for the 14th, and October
8 28th is the date that's on the calendar for objections to
9 direct case exhibits and testimony.

10 So, again, we're bringing forth all sorts of
11 matters into this status conference that haven't been briefed
12 and that I haven't had an opportunity to brief. I'm prepared
13 to defend everything that I've done in response to these
14 objections on the 14th and on the 28th and I certainly intend
15 to --

16 JUDGE SIPPEL: The 14th is a Saturday. Oh, no,
17 it's not a Saturday. I'm sorry. I'm in the wrong month.

18 MR. STENGER: And I certainly intend to object,
19 Your Honor, to the fact that the Government --

20 JUDGE SIPPEL: Sunday. Isn't it a Sunday?
21 Fourteenth.

22 MR. KELLER: Tuesday, I believe.

23 MS. KANE: It's a Tuesday, Your Honor.

24 MR. STENGER: It's a Tuesday.

25 JUDGE SIPPEL: Why do I have it in -- December

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 2014?

2 MS. KANE: October 14th, Your Honor, is the date
3 on which we --

4 JUDGE SIPPEL: Oh. Okay. I'm sorry.

5 MS. KANE: -- we are owed objections.

6 But, Your Honor, in response to that, it would be
7 very difficult for the Bureau to provide comprehensive
8 objections when we don't even know the basis for why they want
9 -- you know, we're not objecting to written testimony. We're
10 just objecting to names.

11 We could provide Your Honor with information, but
12 it's going to make the evidence submission session that much
13 more difficult if we don't have the specifics as to who these
14 people are and their relevance to this case and there's
15 relevance to Issue (g) in particular.

16 The same with the 440 plus exhibits. I mean it's
17 overly burdensome to provide 440 plus exhibits that it noted
18 -- they noted that they weren't specific to Issue (g) and then
19 require us to go through those in a space of, you know, less
20 than a month and figure out and object to them, without any
21 comprehension that the direct case was supposed to be for 16
22 licenses on Issue (g).

23 MR. STENGER: I think what we said, Your Honor, is
24 that we were putting in exhibits without having yet seen the
25 Government's direct case and that once we saw their direct

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 case, we would make an effort to narrow down the exhibits.

2 As far as the witnesses are concerned, they're
3 citing one example where I don't know the name of someone who
4 worked for the State of New Jersey.

5 Everybody else on my list I have their names and
6 I state why that person is relevant and I also state that if
7 Your Honor wants a further explanation of the relevance of
8 each of those individuals, that we would supply it.

9 We didn't want to file a lengthy pleading yesterday
10 explaining in detail the relevance of each person, but I gave
11 a brief description and I said we'd be happy to supply more
12 information.

13 The main problem, Your Honor, is that we were taken
14 completely by surprise by the fact that the Bureau has chosen
15 to submit Maritime's direct case as the Bureau's case. The
16 Bureau is putting forth John Reardon and Sandra DePriest as
17 witnesses for the Commission, and I don't see how Your Honor
18 can allow that hearing to go forward on that basis and then
19 we're going to have a later hearing where the Bureau is going
20 to challenge the qualifications of Sandra DePriest and John
21 Reardon.

22 And by the way although they're putting forth the
23 testimony from Sandra DePriest, they're keeping Donald
24 DePriest hidden from this hearing on Issue (g). They haven't
25 put him in. They're hiding him, even though he's the real

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 party in interest.

2 How can the Government have a hearing later on in
3 March or April or May about the basic qualifications and
4 challenge these people when the Government, in December, is
5 going to be putting them on the stand as their witnesses? I
6 don't understand how that's going to work.

7 I really think that on October 28th, I may have to
8 file a motion to strike the Government's entire case.

9 JUDGE SIPPEL: Well, you're free to file any motion
10 you care to as long as you do it in a professional manner.

11 I mean we're wasting so much time here. This is
12 murdering. You're killing me.

13 The Bureau is -- I'm not going to do anything with
14 -- all the things that you're pointing to, we're not touching
15 those this morning. We're not touching those today.

16 We're trying to get dates and tasks assigned. We
17 know what we're going to do with Issue (g). We don't know
18 what we're going to do with the character issue.

19 Which has not been stayed. So, we're going to go
20 forward with it.

21 But, obviously, you have to -- discovery is needed.
22 Correct?

23 MS. KANE: Correct, Your Honor.

24 JUDGE SIPPEL: That's --

25 MS. KANE: Yes, we're basically at the beginning

1 of the case for those issues.

2 JUDGE SIPPEL: Yes. And you're talking about
3 depositions. Yours too?

4 MS. KANE: We're talking about interrogatories.
5 We're talking about document requests. We're talking about
6 depositions. We're talking about third-party subpoenas. This
7 is going to be much more involved than the discovery for Issue
8 (g) and that took nearly 18 months to complete.

9 JUDGE SIPPEL: Well --

10 MR. HAVENS: I disagree with that assertion.

11 JUDGE SIPPEL: What's that?

12 MR. HAVENS: I disagree with Ms. Kane's assertion
13 that discovery in the issues, other than Issue (g), is going
14 to take a lot more time than it has -- that it has taken --
15 that has been used for discovery in Issue (g).

16 Issue (g) was complicated including because the
17 Bureau supported Maritime in several motions for summary
18 judgment and in other ways, Maritime delayed in providing
19 their efficient discovery. So, I don't agree with Ms. Kane's
20 assertion.

21 Then I agree with Mr. Stenger's request to allow
22 a period of time in which the parties can submit their
23 respective positions on whether or not the hearing should go
24 forward on all issues now or only on Issue (g). They're going
25 to let Your Honor make a decision based upon that briefing.

1 I think otherwise -- I don't have a decision
2 without speaking to Mr. Stenger after this hearing.
3 Otherwise, we may -- of course, reconsideration of your
4 decision today to move forward --- the complete Issue (g),
5 which will not be quick and simple to complete rather than
6 proceed with all of the issues including allowing a summary
7 judgment on Issue (h) being disqualification.

8 So, my request would be to let you allow of period,
9 short period of a week or ten days, for that briefing and then
10 make a decision rather than ruling from the bench today.

11 JUDGE SIPPEL: Yes, sir.

12 MR. ENGEL: Your Honor, if I may propose now that
13 you've ruled from the bench about Issue (g) will continue
14 on December 9th --

15 JUDGE SIPPEL: Yes.

16 MR. ENGEL: -- the parties in two to three weeks
17 submit a proposed schedule for the qualification issues to the
18 Court as we did with Issue (g), and then Your Honor can issue
19 a scheduling order.

20 JUDGE SIPPEL: A discovery scheduling.

21 MR. ENGEL: Roger that.

22 JUDGE SIPPEL: Proposed. Do you agree?

23 MR. HAVENS: I posed the question and I didn't pose
24 it for attorneys to respond to it. I posed it to Judge
25 Sippel.

1 It was a request to allow a brief period for
2 briefing the matter of whether the hearing should go forward
3 only on Issue (g) under the current schedule or otherwise or
4 on all the issues.

5 Your Honor, would you please consider them?

6 JUDGE SIPPEL: Well, the request is denied.

7 Now, let's get on with business here. Mr. Keller.

8 MR. KELLER: I think that's a -- I gather we should
9 get together and come up with a schedule for the remaining
10 issues and present it to you.

11 And I would also add a lot has been said about a
12 motion for summary decision on the other issues. There's
13 nothing to stop anybody from filing a motion for summary
14 decision up to -- I think it's -- what is it? Forty-five days
15 prior to trial or something like that.

16 Since no trial date has been set on the basic
17 qualifications issues, Mr. Stenger and his pro se, Mr. Havens,
18 is free to file a motion for summary decision at any time.

19 Nothing we're doing here today precludes him from
20 doing that.

21 JUDGE SIPPEL: That's true. That's true and you'll
22 have a better record, too. I mean you need the discovery in
23 order to file it anyway. If that's going to happen.

24 I'm looking askance at motions for summary
25 decisions since two of them, at least in my judgment, have not

1 worked and one on -- a summary decision on character is the
2 toughest carry of all.

3 Now, so, let's do that. Okay. Can you do that,
4 Mr. Stenger? Can you sit down with counsel and try and work
5 out some kind of a schedule for discovery on the character
6 issues?

7 MR. STENGER: Of course.

8 MR. RICHARDS: Your Honor, we'd like to participate
9 in that as well.

10 JUDGE SIPPEL: You're welcome to. Anybody else?
11 Anybody else, you're always welcome. No. Okay.

12 And I'll say -- so, are you going to meet? When
13 are you going to meet? Next week? This week? Tonight?
14 Tomorrow?

15 MS. KANE: We'll coordinate with schedules, Your
16 Honor, but I mean we're not going to provide you with a
17 schedule in whatever time frame you deem appropriate.

18 But, you know, we are still also preparing for
19 trial now. So, we've got to work with everybody's schedule.
20 Then -- and unless Your Honor directs Mr. Havens and his
21 entities otherwise, we're looking at reviewing 440 exhibits
22 in 28 days.

23 JUDGE SIPPEL: Well, you're not going to have to
24 do that just yet because I'm going to require there be a show
25 of specificity as to each of these documents and each of these

1 witnesses.

2 MS. KANE: Thank you, Your Honor.

3 JUDGE SIPPEL: Because it's -- you're right. I
4 mean for all the points that have been made and I believe that
5 even Mr. Stenger has proffered that offer. So, I'll get an
6 order out curbing that, too.

7 Now, it's a question of the time frame however.

8 MR. KELLER: Your Honor. Excuse me, Your Honor.

9 JUDGE SIPPEL: Yes.

10 MR. KELLER: Before you go on, I agree with you.
11 We don't want to get into a witness-by-witness discussion, but
12 on that submission that Ms. Kane was referring to earlier, Mr.
13 Stenger's submission of witnesses, it was unclear to me. He
14 seemed to be saying in that, not that these are our witnesses,
15 but it seemed to be asking that Maritime and the Bureau be
16 required to present these witnesses, and that's a rather
17 strange request to me.

18 I mean we can't be ordered or directed to present
19 witnesses that are not in our control.

20 So, if he wants to present witnesses and justify
21 why he's doing it, that's one thing, but to the extent that
22 the request is saying that the Maritime ought to be required
23 to produce these witnesses and make them available, well,
24 these aren't our witnesses. There's nobody that Maritime has
25 control over. So, that's a strange request.

1 I just wanted to make sure that that's addressed
2 or dealt with somehow.

3 JUDGE SIPPEL: Mr. Stenger, am I missing something
4 here? Was that what you were asking?

5 MR. STENGER: Well, Your Honor, we are asking that
6 additional witnesses who have relevant testimony be part of
7 the hearing and the Government, the Bureau, only put in --
8 again, I don't know if Your Honor has looked at their direct
9 case, but the Bureau only put in witnesses from Maritime and
10 some of the counterparties of Maritime in the transactions
11 that they're proposing.

12 The Bureau hasn't put in any adverse witnesses
13 whatsoever. The Bureau hasn't put in anyone from the Wireless
14 Bureau to talk about audits that have been conducted. The
15 Bureau hasn't put in anyone from the FCC Field Offices that
16 the taxpayers are paying for to go out with the spectrum
17 analyzer and see if something's on the air or not.

18 The Bureau hasn't put any of these witnesses that
19 we listed in our notification yesterday. People who have had
20 business dealings. People who manage these sites. People who
21 own the sites where these stations allegedly existed.

22 These are all relevant witnesses that the Bureau
23 should have put in if they were going to act as staff counsel
24 for the Commission in a show cause revocation hearing.

25 But, we were surprised at the last minute to find

1 when we received the Government's direct case that they don't
2 have any of these witnesses in their direct case. They're not
3 challenging what Maritime is saying at all.

4 Now, Your Honor, that stands in direct violation
5 of your June 17th order. The Government and Maritime made a
6 motion for summary decision last year and they said it's our
7 position that these stations were constructed and that the
8 operations were never discontinued. They made that summary
9 motion jointly last year.

10 And Your Honor granted that motion in part. You
11 said that the construction issue was off the table, but Your
12 Honor denied that motion as far as the operation of the
13 stations were concerned and Your Honor said that you expected
14 that there would be a hearing on that issue of continuing
15 operations.

16 You said in paragraph 62 of your June 17th order
17 that clearly significant factual questions remain that require
18 proof by one or more of the following: documentation,
19 testimony, cross examination or expert opinion if available.

20 Now, I'm sure that when Your Honor wrote that Your
21 Honor expected that we were going to have a vigorous hearing
22 where Maritime was going to put on witnesses, alleging that
23 they were continuing operations and that the Bureau was going
24 to cross examine those witnesses and put on some kind of case
25 on behalf of the Government.

1 But, the Bureau is not doing that. They've
2 abandoned their case entirely.

3 What they're basically saying to Your Honor is we
4 don't care about your June 17th order. We're going to
5 continue right down the road with our motion for summary
6 decision that you denied.

7 We made a motion saying that in our opinion there's
8 no factual dispute. These stations are all continuously
9 operating.

10 You denied our motion and you said you wanted to
11 have a hearing, but you know what? We're not going to give
12 you a hearing. We're just going to come in here with
13 Maritime's witnesses, put them on the stand and we won't cross
14 examine them because we're not going to cross examine our own
15 witnesses. It's up to Mr. Stenger now to make the case.

16 And that's -- this isn't a game of musical chairs
17 where the Government gets up out of their seat and abandons
18 their statutory role. In Section 1 of the rules, which sets
19 forth the duties of the Bureau, they're supposed to act as
20 staff counsel for the Commission, not staff counsel for the
21 defendant.

22 JUDGE SIPPEL: Yes. They have the burden of
23 proving their case by a preponderance of the evidence. That's
24 where it stands.

25 Yes, sir.

1 MR. ENGEL: I was just trying to refocus Your Honor
2 and ask Your Honor when you would like a proposed schedule.
3 We're making closing arguments now and --

4 JUDGE SIPPEL: That's exactly what I'm trying to
5 get to.

6 MR. ENGEL: Roger that.

7 JUDGE SIPPEL: I'm sorry, Mr. Stenger. I didn't
8 mean to cut you off that way, but we have business to do.
9 Okay.

10 MR. STENGER: Well, the question presented, Your
11 Honor, is why I gave a list of witnesses that I thought should
12 be called and the reason that I did that was because the
13 Government came forth with no witnesses other than --

14 JUDGE SIPPEL: I heard you out. I heard you out.
15 I heard enough.

16 I'm ready to set a date. Today is the 1st already.
17 Can we do it on the 9th? Do you have enough time between now
18 and then? Are there too many holidays in there or something?

19 MS. KANE: I think that should be fine for the
20 Bureau, Your Honor.

21 JUDGE SIPPEL: Mr. Keller.

22 MR. KELLER: That's the date we'll submit the
23 proposed schedule?

24 JUDGE SIPPEL: Yes.

25 MR. KELLER: That's fine.

1 JUDGE SIPPEL: Anybody else? Okay. We'll do it
2 on October 9th. I'll say October 9th by 12:00 noon in case
3 anybody sleeps late that day and --

4 MS. KANE: Can we just clarify because I know
5 there's been problems about this in the past, Your Honor? Can
6 we say 12:00 noon Eastern Standard Time?

7 JUDGE SIPPEL: Wow.

8 MS. KANE: I'm sorry to be so specific. But, we
9 have had problems before.

10 JUDGE SIPPEL: Eastern Standard Time.

11 MR. KELLER: When does the time change?

12 JUDGE SIPPEL: Let's hope --

13 MS. KANE: Not until November.

14 MR. KELLER: Not until November. Okay.

15 MR. ENGEL: It's Daylight Savings.

16 MR. STENGER: Your Honor, what needs to be done by
17 12:00 noon? Is it an electronic filing? An ECFS? I would
18 like to avoid the hand-delivery scenario by 12:00 noon because
19 getting a messenger some place is a very dicey proposition.

20 Could we just say that we're going to file whatever
21 needs to be filed by 12:00 noon in ECFS and then serve --

22 JUDGE SIPPEL: Go ahead.

23 MR. KELLER: It's just a proposed schedule and it's
24 a simple document. So, yes.

25 JUDGE SIPPEL: Well, yes, I mean you can serve --

1 I mean you can serve each other initially at least by email.

2 MR. STENGER: That's fine, Your Honor.

3 JUDGE SIPPEL: And then follow up with a hand
4 delivery so that, you know, we're complying with the rules
5 very narrowly.

6 MR. ENGEL: Hopefully, it will be a joint filing,
7 Your Honor. But if not, we'll --

8 JUDGE SIPPEL: Well, if it's not, it's not or if
9 you need -- you know, if you need a couple more days, I can
10 accommodate.

11 MR. STENGER: You said follow up with a hand
12 delivery. You mean follow up with mail service?

13 JUDGE SIPPEL: I mean mail service. Exactly right.
14 Hard copy in the mail. I mean -- that's right. In the mail.
15 I'm not used to the old methods anymore.

16 All right. And that's -- I will -- again, I'm
17 going to try -- I'm going to spell out in an order what I want
18 with as much specificity as I can give you, but you got the
19 general gist of what we're talking about and we'll take it
20 from there.

21 I just -- I can't really do anything more to help
22 him. That's all I can do.

23 MS. KANE: Your Honor.

24 JUDGE SIPPEL: Yes.

25 MS. KANE: Is there an order in place for when we

1 would be getting further specificity on either the 29
2 witnesses that Mr. Havens and his entities wish to call for
3 some purpose during the hearing and/or the exhibits?

4 JUDGE SIPPEL: Yes, well, I'm going to include that
5 in the same order. You know, that these witnesses ought to
6 be specified in terms of exactly who they are and what their
7 proposed testimony will be.

8 MS. KANE: I'm just trying to get a sense of
9 timing, Your Honor, on --

10 JUDGE SIPPEL: A sense of timing?

11 MS. KANE: On when that identification would be
12 required.

13 MR. STENGER: I object to that, Your Honor. We
14 agreed on a prehearing schedule. We all agreed on it and Your
15 Honor ordered it and the schedule says that October 14th is
16 the date for objections to witness lists and October 28th is
17 the date for objections to direct case exhibits and testimony.
18 They haven't even made their objections yet in writing,
19 according to the schedule, and they're already asking me to
20 respond to their objections just based on some verbal comments
21 here this morning that they don't like my witness list and
22 they don't like my exhibits.

23 Why can't they file their objections when they're
24 due and I'll respond to them in due course. The hearing isn't
25 until December.

1 JUDGE SIPPEL: Okay. I hear what you're saying.

2 MS. KANE: Your Honor, what they filed yesterday
3 is unclear whether they intend to call these 29 witnesses as
4 direct -- part of their direct case. In which case, they're
5 out of time. The date -- if he wants to follow the schedule,
6 those were due two weeks ago.

7 If they're cross examinations, they need to have
8 been cross examinations of witnesses who were already part
9 of a direct case.

10 He can't mesh the two and that's what he's trying
11 to do.

12 Irrespective of the fact that the schedule that we
13 put into place was for Issue (g), and Issue (g) alone, and
14 when they submitted their direct case of 440 plus exhibits,
15 they conceded that it was more than Issue (g).

16 So, they didn't comply with the schedule and so,
17 all we're asking, Your Honor, is to direct them to comply with
18 the directives of the procedural order here. Which is to
19 provide a direct case and their cross examination -- their
20 direct case and their cross examination list for Issue (g).

21 MR. STENGER: Just to be clear, Your Honor, I'm not
22 suggesting that this list of witnesses is a late file list of
23 witnesses for whom I want to put in direct testimony. Okay.

24 I'm not suggesting that and I'm not suggesting that
25 I'm asking for the right to cross examine these witnesses as

1 being somebody else's witnesses, because they haven't been put
2 in as anybody else's witnesses.

3 What I'm saying is that there's a rule, which I
4 cited in my witness list, that says that the presiding judge
5 can order witnesses to appear at the hearing, and what I'm
6 suggesting is that if Your Honor wants to have a real hearing
7 on Issue (g), that Your Honor needs to order witnesses who
8 have relevant information to appear and testify, because the
9 Bureau dropped the ball quite frankly and in its direct case,
10 that it surprised us with on September 16th, the Bureau didn't
11 put in any witnesses other than Maritime.

12 So, I'm suggesting that if Your Honor wants to have
13 a real hearing, as you ordered in your June 17th order, when
14 you denied their motion for summary judgment and said I want
15 to have a real hearing, you need to direct some real witnesses
16 to appear other than just Sandra DePriest making self-serving
17 statements that she can't question.

18 JUDGE SIPPEL: You're just rehashing things.

19 MS. KANE: Your Honor, we take -issue --

20 JUDGE SIPPEL: Go ahead.

21 MS. KANE: -- with the fact that he doesn't think
22 the Bureau has put on a proper case and we object to all of
23 the mischaracterizations of both the record and the Bureau's
24 process in this proceeding.

25 That being said, if, in fact, these people are

1 relevant for any particular purpose, he needs to identify them
2 and these are all witnesses -- almost all of them are
3 witnesses that they either knew about or had been identified
4 during discovery of this case over the last three and a half
5 years, and what they're trying to do is an end run around your
6 refusal to extend discovery to them in August and they want
7 to take discovery of these witnesses for the first time at
8 trial.

9 They had ample opportunity to depose these people.
10 They had ample opportunity to seek discovery from these people
11 during the discovery process for Issue (g). They chose not
12 to do so and the hearing is not the appropriate place for them
13 to be able to do so.

14 MR. STENGER: Actually, these people came from --
15 most of the people that are listed there, Your Honor, it
16 specifically explains that these are people who were
17 identified as having knowledge about the continued operation
18 of the station. They were identified in Maritime's answers
19 to the Bureau's interrogatories.

20 So, the Bureau served interrogatories on Maritime
21 and said who are people who know the facts about Issue (g).

22 Maritime gave the Bureau back a list of those
23 people, but lo and behold, when the Bureau submitted its
24 direct case on September 16th, as a complete surprise to me,
25 not a single one of those people was in the Bureau's direct

1 case. Even though they asked Maritime, who knows about this?
2 Who were the people that we should have as part of case?

3 Maritime gave them the list of those people, and
4 the Bureau didn't get a single statement from any one of those
5 people to put on a case.

6 Instead, the Bureau simply called Maritime's
7 witnesses, because the Bureau has taken the position that
8 there is no issue of fact to be tried. That the Bureau is
9 satisfied that these operations are continuing, and the Bureau
10 feels that Your Honor made a mistake when you didn't grant
11 summary judgment.

12 So, now, they're going to have a frivolous hearing
13 is the only way I can describe it where they basically just
14 cram down the motion for summary judgment.

15 JUDGE SIPPEL: You already made this argument.
16 This is a repeat. Repeat. Repeat.

17 I'm mean you're abusing this conference. I mean
18 I can't listen to you anymore. You've gone over the line for
19 me.

20 Yes, Mr. Keller.

21 MR. KELLER: If the Havens' entities believe the
22 Bureau has not met its burden, they can so argue.

23 If they believe additional -- yes, Maritime
24 identified these people in discovery. They identified them
25 not just to the Bureau, but to all the parties including the

1 Havens' entities.

2 They've had opportunity to do their own discovery
3 of these people had they chosen to do so.

4 If they want to call these people as witnesses,
5 they should do so under the proper procedures.

6 That's all there is to say about it.

7 JUDGE SIPPEL: You don't have to give them a -- you
8 don't have to tell them how to write their trial brief either.

9 We're just going to get dates set here. You know
10 what you have to do by the 9th of October. I'm going to get
11 an order out by tomorrow at least, if not this afternoon, of
12 what I want to receive and we're going to just take it from
13 there.

14 And then after I receive what your input is,
15 there's a good possibility that I'll hold a further
16 conference, you know, within ten days after the 9th to clarify
17 things.

18 But, something has to -- we have to have starts and
19 stops in this case and this is it. This is it.

20 What time is it? Twenty-five of 12:00 and this is
21 as far as we've gotten.

22 MR. HAVENS: Your Honor, I'd like to say one brief
23 thing.

24 JUDGE SIPPEL: Brief. Yes, sir.

25 MR. HAVENS: The attorneys for Pinnacle and some

1 of the utilities made some statements today. I didn't ask you
2 to strike them. I'd like to briefly comment as follows.

3 They asserted that, you know, the assignees of
4 Maritime in applications under the HDO have a need for the --
5 urgent need for the spectrum. They asserted that their
6 qualifications are not at all challenged.

7 That is not correct. My companies have petitions
8 to deny those assignments and we asserted with facts as to why
9 the utilities do not need the spectrum and as to why they have
10 -- they're not qualified to obtain the assignment.

11 So, I just want to object to those statements and
12 give that response.

13 JUDGE SIPPEL: So noted.

14 MS. KANE: Your Honor, one more procedural matter.

15 JUDGE SIPPEL: Yes.

16 MS. KANE: On September 11th, Mr. Randazzo sent out
17 an email that noted that Your Honor had agreed to the joint
18 stipulation of the Enforcement Bureau and Maritime on all but
19 the 16 licenses, and indicated that a formal order would be
20 issued and we just wanted to remind you that a formal order
21 had not yet been issued on that matter and we thought it would
22 be helpful for the record if it was.

23 JUDGE SIPPEL: Yes, it will be and I will do --
24 that will get done in the not too distant future also as a
25 separate order though.

1 MS. KANE: Thank you, Your Honor.

2 JUDGE SIPPEL: I'm not going to mix with the --
3 okay. All right. All right.

4 We're in recess. Thank you very much for your
5 patience.

6 (Whereupon, the above-entitled matter went off the
7 record at 11:31 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

Maritime Communications/Land Mobile, LLC

Name of Hearing

EB DOCKET NO. 11-71

Docket No. (if applicable)

445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

October 1, 2014

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1074 through 1146, inclusive, are the true, accurate and complete transcript prepared from the reporting by _____ Daniel Michon (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

October 1, 2014

Daniel Michon

Daniel Michon

Date

Legible Name and Signature of Reporter

Name of Company: Neal Gross Co.

October 1, 2014

Regina Miss

Regina Miss

Date

Legible Name and Signature of Transcriber

Name of Company: Neal Gross Co.

October 1, 2014

Tracy Cain

Tracy Cain

Date

Legible Name and Signature of Proofreader

Name of Company: Neal Gross Co.